

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND**

JUSTIN MILLS

\*

Plaintiff

\*

v.

\*

Civil No. RDB 15-495

ANNE ARUNDEL COUNTY,  
MARYLAND, *et al.*

\*

\*

Defendants

\* \* \* \* \*

**COUNTERCLAIM**

Comes now the Defendants, Douglas Bilter and Kyle Shapelow, by undersigned counsel, and pursuant to Rule 13 of the Federal Rules of Civil Procedure, asserts a counterclaim against Justin Mills, and states as follows:

1. That the Plaintiff, Justin Mills, has filed suit against these Defendants and others alleging that he was improperly detained on February 21, 2014, at the Maryland Live! Casino in Hanover, Anne Arundel County, Maryland. Douglas Bilter and Kyle Shapelow were employed as police officers with the Anne Arundel County Police Department at the time of the incident. Mills asserts that this detention was a violation of his Constitutional rights and also a variety of State torts.

2. That during the interaction with Officers Bilter and Shapelow, Mills surreptitiously conducted audio recording of all oral communication. This oral communication occurred in a private location in the casino which was not accessible to the public. Officers Bilter and Shapelow had a reasonable expectation of privacy in oral communications in this location.

3. That Mills willfully conducted this surreptitious audio recording of the oral communication knowing that to do so was illegal in Maryland and in violation of the Wiretapping and Electronic Surveillance laws.

4. That Mills obtained a copy of the video surveillance recording from the casino, which did not contain audio recording, and altered it to add his surreptitious audio recording. The altered surveillance recording then had the false appearance that it was one recording with both video and audio.

5. That Mills then disclosed the altered surveillance recording by delivery to the Baltimore Sun and posting publically on the internet.

6. That Mills filed the instant litigation and the Second Amended Complaint containing what he contends are conversations taken from the surreptitious audio recording.

7. That the actions taken by Mills were with actual malice with the intent of violating the Wiretapping and Electronic Surveillance laws of the State of Maryland and holding Officers Bilter and Shapelow and other individuals associated with Maryland Live! Casino to public ridicule.

8. That Officers Bilter and Shapelow have experienced ridicule and damage to their professional and personal reputations as a result of Mills actions.

9. That Mills actions are a violation of §10-402(a) of the Courts and Judicial Proceedings Article of the Maryland Code.

10. That Officers Bilter and Shapelow are entitled to recover actual and punitive damages in addition to attorney's fees and costs pursuant to §10-410(a) of the Courts and Judicial Proceedings Article of the Maryland Code.

**WHEREFORE**, Defendants and Counter-Plaintiffs Douglas Bilter and Kyle Shapelow, demand damages from Plaintiff/Counter-Defendant, Justin Mills, in the amount of \$100,000 for actual injury and \$250,000 for punitive damages for each Counter-Plaintiff plus reasonable attorney's fees and costs, and such other and further relief as justice and its cause may require.

Respectfully submitted,

NANCY McCUTCHAN DUDEN  
County Attorney

\_\_\_\_\_/s/\_\_\_\_\_  
Jay H. Creech  
Senior Assistant County Attorney  
Anne Arundel County Office of Law  
2660 Riva Road, 4<sup>th</sup> Floor  
Annapolis, Maryland 21401  
(410) 222-7888  
Bar Number 00839  
*Attorney for Defendants Bilter and Shapelow*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 1<sup>st</sup> day of September, 2015, a copy of the foregoing counter-claim was served on the notice of electronic filing pursuant to Local Rule 102.1(c) on:

Abraham Fernando Carpio  
Jonathan R. Carroll  
*Attorneys for Plaintiff*

Jennifer E. Cameron  
Michelle J. Marzullo  
*Attorneys for Defendants PPE Casino Resorts Maryland, LLC, d/b/a Maryland Live! Casino and The Cordish Companies, Inc.*

And sent via United States Postal Service, postage prepaid, to:

Giorgio Isella  
601 East Pratt Street  
Suite 600  
Baltimore, Maryland 21202

Christopher Coulter  
7002 Arundel Mills Circle  
Suite 7777  
Hanover, Maryland 21706

\_\_\_\_\_/s/\_\_\_\_\_  
Jay H. Creech